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PTO/SB/21 (08-00)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/062,857
Filing Date	October 25, 2001
First Named Inventor	Mark G. ERLANDER and Ranelle C. SALUNGA
Group Art Unit	1635
Examiner Name	Unassigned
Total Number Of Pages In This Submission	6
Attorney Docket No.	485772002900

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input checked="" type="checkbox"/> Request for Corrected Filing Receipt
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	<input checked="" type="checkbox"/> Copy of Original Filing Receipt
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		<input checked="" type="checkbox"/> Copy of Request to Rescind Previous Non-Publication Request, Filed 04/11/02
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	



25225

PATENT, TRADEMARK OFFICE

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Kawai Lau, Ph.D. Admitted in Virginia Reg. No. 44,461 Morison & Foerster, LLP 3811 Valley Centre Drive, Suite 500 San Diego, California 92130
Signature	
Date	September 12, 2002

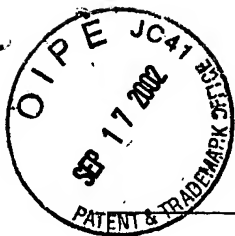
## CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Rhea Amid

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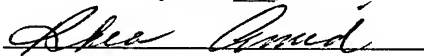
sd-109686



PATENT  
Docket No. 485772002900

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Assistant Commissioner for Patents, Washington, D.C. 20231, on September 12, 2002.

  
Rhea Amid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Mark G. ERLANDER  
and  
Ranelle C. SALUNGA

Examiner: Unassigned  
Group Art Unit: 1635

Serial No.: 10/062,857

Filing Date: October 25, 2001

For: NUCLEIC ACID AMPLIFICATION

REQUEST FOR A CORRECTED FILING RECEIPT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Please furnish the undersigned with a corrected Filing Receipt for the above-identified application. The corrections needed are as follows:

In the PROJECTED PUBLICATION DATE Section, please replace "Request for Non-Publication Acknowledged" and insert -- **Correct Publication Date** --.

In the NON-PUBLICATION REQUEST Section, please replace "Yes" and insert --**No**--

A copy of the marked-up Filing Receipt is attached. Also attached is a copy of the Request to Rescind Previous Non-Publication Request, filed with the U.S. Patent and Trademark Office on April 11, 2002.

In the unlikely event that the transmittal letter is separated from this request and the Patent Office determines that a fee is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 (docket no. 485772002900). However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: September 12, 2002

By: 

Kawai Lau, Ph.D.  
Admitted in Virginia  
Registration No. (44,461)

Morrison & Foerster LLP  
3811 Valley Centre Drive  
Suite 500  
San Diego, California 92130-2332  
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/062,857	10/25/2001	1635	1124	485772002900	8	32	2

Kawai Lau  
Morrison & Foerster LLP  
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**RECEIVED**

AUG 07 2002

MORRISON & FOERSTER  
SAN DIEGO

CONFIRMATION NO. 1235

UPDATED FILING RECEIPT



\*OC00000008540115\*

Date Mailed: 07/30/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Mark G. Erlander, Encinitas, CA;  
Ranelle C. Salunga, San Diego, CA;

**Domestic Priority data as claimed by applicant**

THIS APPLN CLAIMS BENEFIT OF 60/298,847 06/15/2001  
AND CLAIMS BENEFIT OF 60/257,801 12/22/2000 \*

(\*)Data provided by applicant is not consistent with PTO records.

**Foreign Applications**

If Required, Foreign Filing License Granted 03/28/2002

Projected Publication Date: *Correct Publication Date*  
~~Request for Non-Publication Acknowledged~~

N n-Publication Request: ~~Yes~~ **NO**

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

Title

Nucleic acid amplification

No Docketing Required
Reviewed by Docketing
Initials: _____ <b>NOW</b>

**Preliminary Class**

435

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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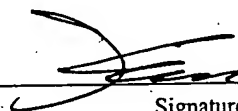
**REQUEST TO RESCIND PREVIOUS  
NONPUBLICATION REQUEST  
35 U.S.C. 122(b)(2)(B)(ii)**

Application Number	10/062,857
Filing Date	October 25, 2001
First Named Inventor	Mark G. ERLANDER et al
Title	NUCLEIC ACID AMPLIFICATION
Attorney Docket No.	485772002900
Group Art Unit	1635
Examiner	To be assigned

I hereby **rescind** the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

4/11/02

Date



Signature

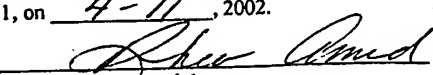
Kawal Lau, Reg. No. 44,461

Type or printed name

This request must be signed in compliance with 37 CFR 1.33(b).

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Commissioner for Patents, Washington, D.C. 20231, on 4-11, 2002.

  
Rhea Amid

**Burden Hours Statement:** This collection of information is requested by 37 CFR 1.213(a). This information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Mark G. ERLANDER et al
Title	NUCLEIC ACID AMPLIFICATION
Attorney Docket No.	485772002900

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing, I hereby request that the attached application not be published under 35 U.S.C. 122(b).

10/25/01  
Date

  
Signature

KAWAI LAU (Reg. No.: 44,461)

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application to be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**Burden Hours Statement:** This collection of information is requested by 37 CFR 1.213(a). This information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.